BOMBAY GAZETTE.

PUBLISHED THRICE A WEEK, ON EVERY MONDAY, WEDNESDAY, AND FRIDAY, MORNING.

PRICE 13 RUPEES PER QUARTER:—52 RUPEES PER ANNUM:—OR, IF PAID IN ADVANCE, 48 RUPEES PER ANNUM.

"Nothing extenuate, nor set down aught in Malice."

Vol. LII. **BOMBAY: WEDNESDAY, JANUARY 6, 1841.** **New Series No. 3.**

BOMBAY GAZETTE OVERLAND DISPATCH.

WHICH will contain a Precis of Indian Intelligence for the past Month.

The Public and Subscribers to the Gazette are informed that an Overland Monthly Dispatch, will be published at this Office for the present and every succeeding Mail—to Subscribers of the Gazette, *Gratis*.—Non-Subscribers one Rupee per Copy and to Subscribers for the above alone Rs. 10 per Annum, in England £1. 1s.

The Outstation Subscribers to the *Bombay Gazette* are hereby informed that if they will favor the Editor with the names of the Parties in England to whom they wish their Overland Gazette to be sent, they will be forwarded punctually through the Post Office here by each Steamer.

No Postage is levied by the Falmouth route and by Marseilles Two-pence.

Agents in England, Messrs. Grindlay, Christian and Matthews, 16, Cornhill, and 8, St. Martin's place, Charing Cross.

Bombay Gazette Office, No. 5, Forbes' Street.

THE SUBSCRIBERS of the BOMBAY GAZETTE are respectfully requested to take notice that the New Proprietorship commenced from the 1st of June 1840, and that all accounts &c. with the present concern will commence from that date.

THE SUBSCRIBERS to the GAZETTE are requested that whenever a change of residence or Station may take place, they will be pleased to give information of the same, in order, to prevent mistakes in forwarding their Newspaper.

COPPER PLATE PRINTING.

THE LADIES and GENTLEMEN of the Presidency and the Public in general are hereby informed, that VISITING and INVITATION CARDS will be neatly executed and on reasonable terms at this Office.

All orders for Copper Plate Engraving and Card Printing addressed to the Printer of this Paper will be carefully attended to.

TO THE ARMY AND NAVY.

THE following Works are for Sale and to be had on application at this Office.

MARRYAT'S CODE OF SIGNALS, Sixth Edition, of the 1st, 2nd, and 3rd Parts, with the Supplement to the above, and also the Honorable Company's Steamers and Ships of War, corrected and enlarged with considerable alterations and additions..... Rs. 2

Report of the Commissioners for Inquiring into the Naval and Military Promotion and Retirement..... Rs. 2

Proceedings of a General Court Martial held at Fort George on Captain D. G. DUFF, 16th Regt. N. I..... Rs. 1

BOMBAY SPORTING MAGAZINE.

MANY applications having been made to the EDITOR of this Journal, and promises of assistance given to get up a *Sporting Magazine*. It is hereby announced that the 1st No. of the BOMBAY SPORTING MAGAZINE was published on the 25th of December, and will be repeated *Quarterly*. The price to Subscribers is 12 Rupees a year, single numbers 4 Rupees. Communications will be thankfully received.

FOR SALE.—A few copies of the "CEYLON MAGAZINE" from No. 1 to 3, for September, October and November, Price 3 Rupees per Copy.—Apply at the Bombay Gazette Office.

Gentlemen desirous of becoming Subscribers to the above Periodical will be pleased to communicate the same to the Editor by letter post paid.

FOR SALE, at the Gazette Office;

Respondentia Bonds, each	Rs.	1
Ship's Articles.....	,,	1
Policies of Insurance.....	,,	1
Bills of Exchange, per set.....	Ans.	8
Interest Bonds.....	,,	8
Bills of Lading.....	,,	8
Powers of Attorney, each.....	,,	8

FOR Sale at the Godowns of Messrs. FORBES AND Co. Fine Lisbon Wine, received direct from Portugal, in 3 dozen cases, at 9 Rupees per dozen.

Bombay, 6th January 1841.

Messrs. Robert Frith and Co.'s Advertisements.

AUCTION.

THIS day Wednesday, the 6th January 1841, the above will submit to Public Sale at their Rooms, commencing at 11 A. M. the following assortment of property viz: Cases of Window Glass, Europe Canvas, Pieces of Dimity, Handsome Breakfast and Dessert Services, Plated, Glass, and Queensware, a Flageolet in Case. A Chemical Test Chest, a Cocked Hat in Case. Persian Carpets, Bengal Towels, and Table Cloths, Books, and a variety of useful Household Furniture belonging to a Gentleman leaving India.

At 1 P. M. a pair of Ponies &c.

Also a Sextant, False Horizons, a night Glass, the East India Pilot containing upwards of 60 Charts, a Microscope &c. &c.

AT NOON.

Any Horses, or Conveyances that may offer.

A SALE FOR AN ELEGANT AND EXTENSIVE ASSORTMENT OF ARGAND LAMPS OF THE LATEST FASHIONS AND PATTERNS.

WILL take place at the Rooms of the above on Wednesday the 13th Instant, comprising Elegant 4 and 3 Light Bronzed and Lacquered Lamps, with rich cut drops, Balls, Cords, Tassels, and Pullies, complete, single Light ditto Pedestal Lamps and Wall Brackets, and a few office Dials. The whole will be on view from Friday the 8th Inst.

By order of the Trustees of MOOLNA SMALJEE ADAMJEE. The above will sell by Public Auction at Boree Bunder, on Friday the 8th Instant, and a large assortment of Iron of all description, a chain cable and anchor, a Brass Gun, and a quantity of Lead and Spelter.

Nesbitt Lane, 6th Jan. 1841.

NOTICE.

THE Drawing of the undermentioned Lottery will positively take place on Friday the 29th January 1841, at the Exchange Rooms, precisely at 11 A. M. where the attendance of Subscribers is respectfully solicited.

PRANKISSEN DEY AND CO'S.

THIRD LOTTERY, 1841.

ALL PRIZES.

On 30 Renewed Reserved Whole Tickets of the last Day's Drawing of the 1st Calcutta Government Lottery of 1841, divided into 752 Chances at Company's Rupees 25 per each. Chance or in advance 15 Rupees, balance 10 Rupees.

On half Tickets, 13 Rupees per chance.

CHEAP SCHEME.

1 Prize of			4	Whole Tickets.
1 do. of			2	do. do.
2 do. of one		each	2	do. do.
4 do. of	½	each	2	do. do.
8 do. of	¼	each	2	do. do.
32 do. of	⅛	each	2	do. do.
64 do. of	1-16	each	4	do. do.
128 do. of	1-32	each	4	do. do.
512 do. of	1-64	each	8	do. do.

752 Prizes — 30 Reserved Whol Tickets.

1st. Subscribers have the option of paying the full amount, Company's Rupees 25 at once or only 15 as an advance, but the balance to be remitted on obtaining their respective Prize Tickets will be deliverable after the conclusion of the Drawing.

2nd. Moffussil Subscribers are particularly requested to include Postage in their remittances as they shall have their Prize Tickets free of Postage but they have the option of paying the full amount at once.

3rd. Early applications is solicited for Tickets to the Projector at his Office No. 12 Waterloo Street opposite Messrs Dykes and Co. or near the Auckland Hotel.

PRANKISSEN DEY AND CO.
Projectors.

BABOO RAMLOCHUN ROY,
Trustee.

TO be had at the Godowns of the undersigned, Superior Sherry in Wood from the House of *Apalatagui and Co.*, of Xeres.

In Butts at.....	Rs.	550
Hhd. at.....	,,	300
Quarter Cask.....	,,	150
In Quart Bottles per dozen....	,,	18

WILLIAM AND THOMAS EDMOND & Co.
Rampart Row, 6th Jan. 1841.

Domestic Occurrences.

BIRTHS.—In the Fort, on the night of the 2nd Inst. Mrs. J. L Hynes, of a Son.

At Kavel, on the 5th January, Mrs. Francisco Salvador de Silva, of a Son.

Marine Department.

NOTIFICATION.

Notice is hereby given that it is the intention of the Honorable the Governor in Council, to despatch a Steamer with a Mail for Suez, on Monday the 1st of February next.

By *order of the Hon'ble the Governor in Council*,
E. M. WILLOUGHBY, Major,
Actg. Secy. to Govt.

Bombay Castle, 10th Nov. 1840.

Shipping Arrivals and Departures.

ARRIVALS.

Jan. 3rd, The E. I. C. Steamer Berenice, W. Lowe, Esq. Comr., from Persian Gulf left Bussora 25th, Kargh 25th, Bushire 26th and Muscat 30th Dec. *Passengers.*—Asst. Surgeon McKenzie and 2 Servants, one Arab and Servant from Muscat.

Do. 4th, Ship Charles Grant, W. Pitcairn, Master, from London left England 1st Sept. and Point de Galle 20th Dec. *Passengers.*—A. J. Thomson, and A. P. Campbell Cadet, 3 Native Servants.

SAILED.

Jan. 2nd, Ship Malabar, R. Pollock, Master to London. *Passengers.*—Mrs. Miller, Mrs. Skyllir, Mrs. Leighton, Miss Leighton, Mrs. Strakin and 3 Children, Miss Shaw, Mrs. Shortt and 3 Children, Mrs. Croker, Mrs. Naylor, and 2 Children, J. M. Davis Esq. Capt. Miller, Lieut. Davies, Capt. Naylor, incharge of Invalids, F. Bourchier Esq. Lieut, Col. Leighton, Major Gibson, Mr. Wright and Invalids.

Do. 3rd, Ship Fazel Currim, Mahomed, Rajack Nacodah, to Calcutta. *Passengers.*—5 Natives.

Do. do. Ship Futtay Rahimon, Shaboobin Tyeb, Nacodah, to Judda.

Do. 4th, American Brig Rattler, F. Brown, Master, to Zanzibar and Salun. *Passenger.*—Ali Abdulla.

Do. 5th, Barque Woodman, John Good, Master, to Liverpool. *Passengers.*—James Lewis Esq. John Hall Esq. James McIntyre.

Shipping in the Harbour.

R. I. C. VESSELS.	E. I. C. STEAMERS.
Receiving Ship Hastings.	Satelliete.
SCHOONERS	Sesostris.
Mahi, Emily and Taptee.	Hugh Lindsay.
CUTTERS.	Zenobia.
	Indus.
	Berenice.

Merchant Vessels.

ENGLISH.

Clarendon.	Helena.
Julia.	Frances.
Westmoreland,	Superior.
Dartmouth.	Brilliant.
Sarah.	Childe Harold.
John Garrow.	Woodman.
Gilmore.	Strabane.
Recovery.	Princess Charlotte.
Duke of Lancaster,	Ophelia and Ann
James Moran.	Parsee Greenock.
Hoyal Saxon	Ingleborough.
Ropkinson.	Onyx.
Charlotte,	Memnon.
Amity.	Sycee.
Java.	Charles Grant.

COUNTRY.

Cauderbux.	Helen.
Pittamber Savoy,	Hydroose.
Caroline.	Mayaram Dayaram.
Sir Wm. Wallace,	Freak.
Colonel. Newal.	Alexander Robertson.
Atiet Rahimau.	Futhel Currim.
Essavie.	Ruparell.
Mor.	St George.
Maria.	Nurbudda.
Candahar.	Adele.
Ruby.	Hamoody.
Fanny,	Ratler.
FRENCH.	Clarke.
Lad Aele.	Resolution.
ARAB.	PORTUGUESE.
Harsingar.	Brig Simplicia.

Vessels expected to Sail.

Vessels.	Agents.	Destination.	To Sail.
A Steamer....	Spt. I. Navy.	Suez.. .	1st Feb.
Herefordshire	D.& M. Pestonjee....	London ..	28th Inst.
Childe Harold	Foster & Co.	London ..	31st inst.
Malabar.....	Skinner&Co.	Do.. .	2nd Jan,
Helena.... ..	McG. Brownrigg & Co.	Liverpool..	Dispatch.
Frances..	H.&Cardwell	Liverpool.	12th inst.
Woodman.. ..	Mr. E. Bates	Do. ..	Dispatch.
Superior.....	Macvicar B. & Co . ..	Do. ..	dispatch
Brilliant.. ..	Skinner&Co.		
Strabane... ..	W. Nicol & Co.... ..		
Duke of Lancaster	.....		
Prin.Charlotte.	Syers Livingston & Co..	Liverpool.	In Jan.
Mary Bulmer.	H.&Cardwell.		
Java	Forbes & Co.	China.. ..	13th inst.
Hannah.....	T. Jefferies & Co.. ..	Singapoor.	immediate.
Mor.....	.....	China.....	
Helen....	.....		

Vessels Expected.

Vessels.	Agents.	From.	To Sail.
Europe..... ..	.....	London ..	24th July.
Sir Ed. Paget.	Skinner&Co	Do.. ..	2nd Sept.
E. of Balcarras	Remington & Co..	Do.. .	In Sept.
Simon Taylor	.....	Do.. .	do.
Donna Pascoa.	McG. Brown rigg & Co.	Do.. ..	
Emery.....	.....	Liverpool	1st Sept.
Shakespeare...	Skinner&Co.	Liverpool	26th Augt.
Tweed.....	.....	Do.. ..	20th Augt.
Sycee..... ..	H.&Cardwell	Do.. ..	19th Augt.
Wave	.....	Do.. ..	in August.
B. Merchant..	W. & T. Edmond &Co.	Do.. ..	10th Sept
Urania..	G. T. King..	Do.. ..	14th Sept.
Emily.....	... .	Do.. ..	1st Sept.
Dauntless.. ..	McG. Brownrigg & Co.	N.S.Wales	
Chieftain.. ..	McG. Brownrigg & Co	Liverpool	
Carnatic.....	Wm. Nicol and Co.. .	Clyde.. ..	in Sept.
Hope....	Skinner&Co.	Do.. ..	in Sept.
Ramsay.....	Ditto ..	Do.. ..	10th June.
Hugh Walker..	Ditto ..	Do.. ..	22d Augt.
Minerva.... ..	.....	Llanelly ..	11th Augt.
Emilia..	T. Jefferies & Co.....	Bordeaux.	4th July.
LeCeres	T. Jefferies & Co.....	Nantes ..	1st Feb.
Mavis..	.....	China ...	

Military Arrivals and Departures.

ARRIVALS.

Jan. 2nd.—Lieut. A. J. M. Boileau, Madras Engrs., from Masulipatam.

do. do. Lt. J. Rose, 15th Regt. N. I. from Panwell.

do. 3rd. Capt. J. M. Martin, H. Arty., from Poona.

do. do. Capt. R. Foster, Engineers, from Poonah.

do. do. Asst. Surgeon J. Mackenzie, from Persian Gulph.

do. 4th. Cadet Alexr. P. Campbell, from England.

do. do. Cadet Andrew J. Thomson, from England.

do. 5th, Lieut. Heyman, 15th Regt. N. I., from Tannah.

DEPARTURES.

Jan. 5th.—Capt. Watts, 26th M. N. I., to Cape of Good Hope.

do. do. Capt. Johnstone, H. M, 17th Regt., to England.

do. 6th. Ensign C. W. Walker, 5th Regt. N. I., to Scinde.

do. do. Lieut. C. Hagart, 52d Bengal N. I., to Cawnpore.

ORIGINAL CORRESPONDENCE.

NO CASTING VOTE TO PRESIDENTS OF COURTS MARTIAL.

TO THE EDITOR OF THE BOMBAY GAZETTE.

SIR,—Observing two articles in your paper, one signed "JUNIUS," and the other signed "Z" dated 10th December 1840 (republished in the *Englishman* on the 22nd and 23rd December 1840) regarding the right of the President of a Court Martial to a double, or Casting Vote, I take up my pen to endeavour to settle the question by reference to authorities.

1.—Tytler, 3rd Edition 1814, page 135 gives the double vote.

2—Kennedy Edition 1832, page 24 (Do...Do..)

3—Macnaghten Edition 1828, page 130 Do. Do.

Those who are against the double Vote are:

1—Delafon's 1805, page 252 (according to Dr. Paul)

2—McArthur 1813, Vol. 1 page 320 Do.. Do.

3—Sir Charles Morgan, J. A. G. (note to Tytler page 135.)

4—Simmons 1835, page 134 (1)

5—Hough 1834, page 259, 1839, page 90, 107.

6—Dr. Paul as above.

7—Lord Hastings in 1817.

8—Naval printed regulations.

So that as far as writers are concerned we have against the casting Vote! 8 to 3.

2.—In the case quoted by Macnaghten (Private Neal H. M. 44th foot, G. O. C. C. Bengal 23d August 1824, the Court consisting of 14 Officers, desired *one* Officer to *retire* to create an *odd* number, on which Sir E. Paget disapproved of the measure, and declared that the "President's "vote was always to be considered as sufficient to "turn the scale, in cases of equality." As the Marquis of Hastings in 1817 in the case of Dr. Pears, decided that an equality of Votes as to guilt, or innocence, amounted to an acquittal, and as the records of the J. A. G.'s Office in Bengal prove (according to Captain, now Major Hough) (2) that up to the year 1836, inclusive, no Court in Bengal has ever acted on the double or casting Vote, but has rejected it (as in the case of Dr. Pears) we must reject the *dictum* in the case of *Neal*, who tho' sentenced, was pardoned!

3.—Captain Simmons allows of the President's double Vote to determine the mode of procedure, or whether a question shall be put. I will not argue on the point of expediency. The articles of war require in ordinary cases (3) a majority of voices. The President has no double Vote given him by the articles of war, and where the Military law is silent, we must look to the *common* law. Now Dr. Paul tells us what that is viz. (The Judges) "*If equally divided in opinion there can be no judgement*" but adds, "*the point at issue may be reconsidered.*" (4) Now as Dr. P. refers to all opinions as to points of law, the Judges not voting as to the *Verdict*, we must set aside *Simmons's* opinion; for if the Courts of Law are not prevented, under such rule, from the duly administering of justice, surely Military Courts ought not to be. The Chief Justices of the Supreme Courts in India have by *Charter*, a double Vote most certainly; but Z. seems to draw an analogy between these and Military Courts, he should prove it from the *common* law and not from *statute* law, or *charter*, as the Advocate General at Bombay will inform him. He must shew an *express* authority, not an implied one.

4.—My opinion is, that a question once put should be recorded even tho' not allowed to be answered, and if disallowed, I would shew by what majority, this is for the information of the approving authority, but what right can the President have (unless allowed by authority in express terms) to decide whether a question shall be put, or not? It cannot be because the Chief Justices have, the double Vote was given to them because in the absence or death of *one* out of *three*, the Chief could not execute his Office if opposed by the other Judge; but where we have 14 officers, the majority, (say 10) will not suffer opposition to affect the course of justice. Besides if the Judge Advocate has any proper confidence placed in him, his opinion should weigh something in the scale. If it be a *question against* the *Prisoner* an equality of Votes should, as in the case of the *Verdict*, be considered as in his favor.

5.—The *Englishman* (22nd December 1840) says that, "the majority of Military law-writers are in favor of the casting Vote." I differ in opinion for the reasons above given, nor can I see why Z. should think "JUNIUS" ignorant, because he differs from *General Kennedy* in opinion, because he was in the Department 28 years and 18 as J. A. G. I am bold enough to say that the casting Vote *never* was used by any President of a Court Martial in the Bengal Army, tho' General V. Kennedy page 24 (1832) declares it to be the practice of the *Army of India*. I can only say that it is not to be found in rules (Nos. 1 to 86.) Kennedy pages 285 to 305, laid down for the Bombay Army, so that it does not appear that the rule applies to that Army: I am not positive as to the Madras Army: but of all the Courts Martial held in that Army which I have seen, I never saw an instance of a casting Vote being allowed. Then as regards General Kennedy's declaration of Courts Martial held in the Queen's service, *not* held at the *Horse Guards*, but elsewhere in the colonies &c. I apprehend they adopt the Horse Guard's rule and do not admit of the casting Vote.

I shall, Mr. Editor, hoping I have proved my case, sign myself in answer to Z.

Your obedient Servant.

A.

(I hope the *Calcutta Courier* will give his opinion hereafter on this article.)

(1) But gives it to decide as to the *mode of procedure* in conducting a trial, not as to *finding* or *sentence*!

(2) Dedication to Sir H. Fane (1839) page iii Introduction.

(3) The new Mutiny 3 and 4 Victoria 1840, will give a *bare majority in* all cases, like the Scotch law procedure in criminal cases.

(4) Delafon's page 252, Dr. Paul 1746 Naval Court Martial, and this implies concession, or change of opinion.

"Nothing extenuate, nor set down aught in Malice."

THE GAZETTE.

Wednesday, January 6, 1841.

ARRIVED January 4, H. C. Steam Vessel *Berenice*, W. Lowe, Commander, from Karrack 21st, Bussorah 23rd, Bushire 26th and Muscat 30th December.—*Passengers*: Asst. Surgeon McKenzie and two Servants from Karrack, one Arab and Servant from Muscat; Do. Ship *Charles Grant*, W. Pitcairn, Master, from London 6th September and Point de Galle 20th December, *Passengers*: Mr. A. J. Thomson, Mr. A. P. Campbell, and 3 Native Servants.

WE have arrived at that period in the Month when it is most difficult to cater for the reading Public. The Papers brought by the last Mail are now nearly exhausted. Every European topic has been discussed and we are like Mrs. Gilpin and Family,

"All a gog to dash through thick and thin."

The moment the *Cleopatra* brings us our December Files of English Papers. In five or six days more we may look for most interesting intelligence. The birth of the Heir to the Throne will most probably be announced, while we shall know what our Gallic Neighbours have determined on, whether for Peace or War. Mahommed Ali's fate too must be by this time decided one way or the other. Altogether we are on the tip toe of expectation. The *Berenice* brought us no intelligence of moment from the Gulf, we saw one letter which states that the Royal Tiger is proceeding from Bussorah to Juddah with a new Turkish Commander of the Forces on board, who has been lately nominated by the Sultan, there was no News from Bagdad. The *Berenice* was 8 days at Bussorah. There was no intelligence from Karrack every thing tranquil. The health of the Troops was on the whole improving but it will always be a disagreeable and unpopular station. No confirmation of the reports, of a movement of a Persian Force have been received.

IN our last number we animadverted on the want of Harbour Police in Bombay, and we are informed that only a few days ago some villains got into an open Boat and looted some people a few miles down the Coast. But this is not all, continual Thefts are occurring on the water, and there is no one to detect or apprehend the marauders. We are assured that applications for a Water Police have been preferred to the Authorities, and when the vast Trade of this Port is remembered and the heavy Port *dues* &c. paid by Ships are recollected, we think the floating population on board the Vessels at anchor are entitled to some Police protec-

tion. In London there is not only a River Police, but particular Magistrates whopreside at an Office where all offencescommitted on theRiver are inquired into, and which is called the Thames Police Office. In Bombay a set of licensed and ticketed Lightermen are much required with a regular scale of Fees. At present the Dingy Wallahs do as they like—and we have heard much pilfering and roguery goes on for want of proper regulation. As for saying anything more about the regulation of Hire of Boats for Passengers we know it is fruitless, as the Calcutta Authorities have issued their all powerful opinion that no such rules appear to be required. However the Harbour Police is a different affair. If laws exist they must be enforced, and people appointed to that duty, and if no such establishment is in force it is the duty of the state to provide one. The Thames Police Regulations might with modification according to circumstances be laid down as a model, and we have no doubt we should find the Mercantile World and the Captains of Ships delighted with the additional security afforded to their Vessels and property.

We would particularly direct the attention of our Military Readers to a letter signed "A." which we this day publish among our Correspondence, on the subject of "A Casting Vote being allowed to the Presidents of Courts Martial." The Writer gives 8 Authorities to 3 against the measure, and states that Kennedy's work lays down no such rule of procedure for the Bombay Army. The only way to put a stop to a practice which savours not a little of putting too much power in the hands of the most influential Member of the Court, would be to procure the appointment of 13 or 15 Officers including the president at a General Court Martial instead of the present clumsyarrangement of an equal number. We decidedly approve of the decision of the Marquis of Hastings in the case of Dr. Pears as quoted by "A," and think that the equality of votes should in all cases amount to an acquittal. This appears to have obtained in Bengal and we think every one must concur in its fairness. Where men's mind are so evenly balanced that 7 men take one view of a question and 7 others adopt a totally contrary opinion after hearing the same mass of evidence, there must be much to doubt. Party spirit will not account for it, and as in Common Law a Prisoner is entitled to the benefit of every doubt and flaw, so we think such a difference of judgment should operate in a Court Martial and the accused Party be at once exonerated from the charge.

A Memorial by Mr. Spooner of the Civil Service has been placed in our hands. Some time ago we noticed this Gentleman's case and commented upon the very hard measure of justice, which as we conceived, he had met from the Government of India. Permitted by the Government to which he belongs to return to his appointment, with repeated Certificates of the ability with which he had managed affairs in Sawunt Warree from all his superiors, still after a lapse of some months he has been placed and still exists on Dewany Allowances. It is a well known fact that Mr. Spooner never issued any orders for the murder of Prisoners, and at a distance how could he be responsible for the acts of another? Besides he was in the midst of a rebellious blood thirsty set, and severe examples were required. His order to take no Prisoners extended to those actually in Arms resisting lawful authority, and who can say that the death of men killed in fair fight is murder? The execution after Prisoners having been once taken, assumes a different aspect, but in that part of the affair Mr. Spooner was not to blame. If he was, let him be brought to Trial, but not arbitrarily removed from all the advantages of his Service at the dictum of authorities a thousand miles from the scene of action and who have condemned him without granting an investigation. We believe the Authorities of Bombay are in no wise to blame, and we trust those at Calcutta will reconsider Mr. Spooner's case and grant him redress and a restoration to a situation equal in rank and emolument as that from which he has been so unceremoniously expelled.

The 6th of January ! ! What reminiscences of gorgeous Cakes; Kings and Queens in Sugar, Blue, Green, and Red Roses, Sugar Plums y'clep'd Harlequin's Eggs, Candied Peel of all colours on a snow white grouud of sweets. The drawing for King and Queen, the pantingand sighing for the envied throne and all the Pomp, Prideand circumstance (Not of War) but of Twelfth Night arise on our memory. Did any of our readers in the days of youth flatten his Nose against the panes of glass atGunter's, Birch's, Angels orTringhams in staring at the huge Cakes placed out so temptingly to the gaze of the hungry world ? Did any youth ever sigh to procure his election as King to the Damsel of his affections for the auspicious Evening ? What Dancing and Singing, what round Games and Blind man's Buff and Hunt the Slipper on this day recur pleasantly to the recollection. Then again Twelfth Night brings us to Shakespeare and his immortal delineation of Sir Toby Belch, Sir Andrew Agnew Check, Malvolio, and Maria. Do we not fancy poor Emery as Sir Toby saying,

Sir Toby.—"Shall we rouse the Night Owl in a Catch that will draw Three Souls out of one Weaver, shall we do that,"

Sir Andrew. And you love me lets do't, I am a dog at a Catch,"

and then the Catch itself.

"Which is the properest day to drink Saturday, Sunday, Monday."

"Beshrew me (as the Clown says) it is admirable fooling."

When, oh when shall we have a place in Bombay in which we may chance to see our old Thespian Sympathies awakened ? To continue to quote from the same admirable scene we may say to the people of Bombay.

Sir Toby. "Do you think because you are virtuous, there shall be no more Cakes and Ale ?

Clown, Yes by St. Anne and Ginger shall be hot in the mouth too !"

But a truce to the subject of a Theatre and once more let us return to our theme. Twelfth Night who remembers not the drawing of Characters and the same attached to the Button Hole or Waist belt for the Evening, one shewing a large Lady with the cognomen of Miss Amelrosa Muttonfat with a sweet little distich below such as.

"I fain would wed I truly own
"But who will marry Twenty Stone."

Or Mr. Meagre depicted like the Anatomié Vivant with the motto,

"Victuals and Drink does me no good,
"And melancholy's all my food."

The King too jolly in crimson robes and ermine with

"My Royal Subjects make good cheer,
"I wish you all a happy year,"

But we recollect that we have no King and must be content with wishing her Majesty may like Victoria find a Consort to her mind,

"And by her happiness evince,
"She's quite contented with a Prince."

We have now got to the end of our Characters and have only one more. "An Editor in search of News."

"Each bit of gup with joy we take it
"And if we have no News we make it."

Our contemporary of the *Courier* notices the "secret and somewhat mysterious departure" of the Consul of Bussora, late a Resident in this place, and goes on to give us the movements of the French Ship of War "*Dordogne*" from Bombay to Goa, from Goa to Demaun & from Demaun to Sea &c. with accounts of sundry interchanges of civilities at Goa between the Acting Governor and the Captain of the *Dordogne*, he also tells us how the Portuguese Governor took alarm on behalf of his brother of Bombay, when he was on board the Prince Regent and intended "going to go to Goa." Now all this is very proper in its way and very praiseworthy of our Brother of the *Courier*, in trying to put our Government on the right scent, and let them see exactly how the land lies, but we rather imagine that the Governor is as well aware of the nature of the movements of the French Ship of War, as we or any of our brother Journalists in Bombay, as for "the general opinion of the Vessel proceeding to the Persian Gulf, we doubt not its truth, more particularly as we have this day heard that theChiefs of Abbathabee and other Tribes have broken the treaty they had entered into with our Agents, and that our Government intend immediately to take such steps as will prevent a future rupture and settle the present existing differences, and that it is probable some Vessels of War will proceed thither forthwith. Now as the French have long wished to get a footing in the Gulf, the *Dordogne* may have started for that quarter to see if any thing should turn up favorable to French interests.

But our contemporary says it is the duty of Journalists to bring all matters of importance before the public. We entirely agree with this postulate which "*nobody can deny*" but we have yet to learn that the departure of an Official Gentleman on what is probably a Tour of pleasure for a few days let his nation be what it may, is a subject of serious concern to the public in general. Our contemporary has enlarged on a happy incident with peculiar felicity, and the episode of the Forts of Goa and the *Dordogne* put us in mind of the Spanish Armada and Tilbury Fort. The Gentleman who has mysteriously departed may be enacting Don Whiskerandos in durance vile solaced only by a Senora Tilburina daughter of the hard hearted Governor of the Fort (of Goa)—Puffs reason for the name of his Tragedy is about as germane to the matter as the string of reflections suggested to our contemporary on the departure of M. Fontanier and the duty of Journalists to notice the same. "Therefore when History and particularly the history of our own country furnishes anything like a case in point to the time in which an author (or Editor) writes, if he knows his own interest he will take advantage of it, so Sir, I call my Tragedy the Spanish Armada, and have laid the scene before Tilbury Fort.

INDIAN INTELLIGENCE.

CALCUTTA.

THE NEW THEATRE.

ENGLISHMAN, DECEMBER 23.

The New Theatre in Park Street being now nearly completed. Mrs. Leach respectfully begs leave to invite the assistance of those gentlemen who have not yet favored her by subscribing to the building fund, in enabling her to redeem the debt she has been obliged to incur rather than abandon the project altogether. The amount subscribed up to the 10th of October last, was 15,800 rupees, including the gift of the Right Hon'ble the Governor General, and the munificent subscription of 2000 rupees from Rajah Cowar Kristna Roy. But the sum which Mrs. Leach has actually laid out is upwards of fortyfive thousand rupees, or about Rs. 20,000 above the amount subscribed, and when to this is added all the property, in costumes, chandeliers, lamps, chairs, and benches for the accommodation of several hundreds of visitors, music, books, ornaments, and the endless variety of articles required in the preparation and correct exhibition of performances, Mrs. Leach submits that not less than sixty thousand rupees will have been appropriated by her to the creation and perfection of a Theatre worthy of Calcutta and of that community to which Mrs. Leach is indebted for so many years, of kind support. It is true that a few years of active exertion crowned by liberal public patronages may enable Mrs. Leach to reimburse the gentleman to whose generiosity she is indebted for the means of completing her very difficult undertaking, but she humbly persuades herself that it is not the wish of the public that the proceeds of her future endeavors should be absorbed in the public service, leaving little or nothing for her individual use. In these circumstances, Mrs. Leach petitions the community for its assistance, and especially those gentlemen who. from their absence in the mofussil or other circumstances, may have been unable until this period to lend her a helping hand.

Subscriptions will be received by T. P. Morrell, Esq. Fenwick's buildings, or by the Secretary to the Union Bank, with whom (and at the Exchange) list of subscribers are deposited.

Yesterday's Semaphore announced the following arrivals :—The *Edward Robinson*, Parsons, from the Mauritius 4th Nov. ; the *Anne Metcalfe*, Rogers, from Newcastle 14th July, and the *Eugene*, Whitny, from Boston 5th Aug.

Colonel Bartley, H. M. 49th Regt., has arrived from Chusan, which he left on the 8th Oct., having been obliged to relinquish the command of his Regiment, which he has served in for very nearly 35 years ; previous to this officer leaving Chusan he was on board the Hospital ship, sick for a month, and immediately on his return to the camp had a relapse, on which a medical committee recommended his return to Calcutta without delay, for the purpose of obtaining leave to England for two years, for the re-establishment of his health.

After an invetigation, in the different forms of a Court of Enquiry, official correspondence, consultations, back and forward, between the Government and the Commander-in-Chief's departments, references to the Court of Directors, and finally a court-martial, the question of Lord Henry Gordon's at first suspected, and at last alleged, embezzlement of public money, in his capacity of Paymaster, has been settled by his *acquittal*, after a lapse of between three and four years from the period of the first official step having been taken to bring to light all the suspicious circumstances. The little attention which seems to be paid, in cases of this nature, to the wording of the charges, renders it a matter of public as well as individual congratulation when the result is an acquittal ; for were it otherwise either the convicted party must escape, from a defect in the indictment. or be illegally punished in spite of such defect ; and in either of those cases the public cause must be materially the sufferer. On a recent occasion when an officer was arraigned on account of the appropriation to other than the proper purposes of public money—in connexion with false returns—we pointed out the necessity for employing in the charge the terms of the statute, as far at least as related to the gist of the offence, and we noticed that, in cases coming within the said provisions, the word 'embezzlement' was essential to the indictment. That word has been used on the present occasion, and so far the charge is right ; but when it alleges the money said to have been embezzled, to be 'the property of Government,' it alleges a proprietary body, or institution, which the act does not acknowledge, and which in fact is not, as a mere delegated body, the possessor of any state property whatever. The term 'Government' is a vague term in law, though conventionally understood to mean the governing authorities in a certain aggregate form, and the act does not recognise (how can it?) a proprietary right in any such indefinite body to the revenues of India. According to the statute the supposed embezzled sums ought to have been represented as the property of the East India Company—the mutiny act says the 'United Company,' but the charter act alters that designation—who are a distinct body from what is commonly termed the Government ; and if the accused had in this case been found guilty, we venture to assert that the penalty of making good the ascertained embezzled sums could not have been enforced under such a charge as was preferred against him. Really the interests of public justice should not be trifled with in this manner, whether it arise from incapacity or negligence on the part of those to whom is entrusted, in one degree or other, the care of its administration ; and the kinds of flaws we are now noticing have occurred so often within the past few years, that it is enough to encourage men, not otherwise scrupulous, to commit frauds by which they may benefit, and yet escape the penalty of restitution. It is lamentable and humiliating to think how often Paymasters render themselves liable to charges of the nature of which we are now speaking,—and not only Paymasters, but officers in other sorts of charge or disbursement of public money—in civil as well as military capacities—and it becomes highly requisite that care should be taken to obviate their escape from punishment, in the event of their due conviction, and of their being adjudged to suffer the not too severe penalties which the law declares. But if it be thus necessary to pursue such offenders to the fallest degree of expiation, it is the duty of courts-martial to do more than barely and coldly acquit such accused persons when the nature of the exonerating proof may be such as to warrant '*a full and honorable acquittal*,' because where those words are not incorporated in the verdict, there is an unavoidable inference that the accusation could not have been wholly groundless. The practice of courts-martial and what may, with reference to that practice, be called the custom of war, render this inference neither uncharitable nor unjust, and therefore *if* the present court omitted inadvertently the above named formulary, it has done a *great* injustice to Lord Henry Gordon. We shall abstain from further pursuing this part of the subject, to which, however, we deem it our duty, for the sake of those who may, in future, be similarly situated with his Lordship, to aliude, in *case* inadvertence may have occasioned the withholding from *him* the full measure of acquittal which is reckoned necessary, in *such* cases, to an officer's exculpation ; and we shall merely extend this article to remark on the apparent unmeaningness of the court's remark concerning the deficiency which existed in the Meerut Pay Office, *when* the accused relinquished the appointment. If the remark was intended to explain the limited nature of the acquittal (we do not mean limited in law, but with reference to custom) then it should have stated that reason broadly, for to the otherwise uninformed reader it embodies an accusal of an unwarrantable *deficiency* in regard to the very sums which it declares not to have been *embezzled*. This is not satisfactory to either the accused or the public, for it virtually leaves a charge against the former, and informs the latter that state money has been in *some* unauthorised manner made away with, and that the loss has been owing to something not *less* blameful than official malversation on the part of the late Paymaster. Altogether (and not putting out of sight the *silence* of the Commander-in-chief) we consider the affair to be not *satisfactorily* terminated after all the trouble it has occasioned, and that it is perfectly certain that much money has been improperly abstracted from the public treasury.

A MAN FALLING BEFORE THE GOVERNOR GENERAL'S CARRIAGE.

Whilst the murder case was going on yesterday, the court was disturbed in the evening by a loud noise ; a number of the spectators went out to enquire the cause ; it appeared that a native had prostrated himself before the Lord Auckland's carriage opposite to the gate of the Supreme Court, whilst he and one of the Misses Eden were on their drive. He made a great noise, and the postilion stopped the horses. It appeared that he four months ago had come all the way from Balasore, and presented a petition to Government, the object of which we do not know, but no reply was given, consequently to effect the object he had in view he resorted to the desperate act of throwing himself before the Governor General's carriage, no doubt to excite his lordship's attention. Constable Weir came out and gave the man in charge of the Thanadar of the division, and we were told that he is to be sent back to his country.

ENGLISHMAN, DECEMBER 24.

Three hundred and eighty-three Chests of Indigo were put up at the Mart this-morning, and although there appeared more spirit to the bidding, yet there was no actual rise upon the last sales, because few persons in the mart seemed to be aware of the arrival of the Overland Intelligence. The Arabs are in the market and buying, a circumstance not usual at this season.

We are going to lay before our readers some curious facts and reports which have reached us lately from Hyderabad, relative to the interference exercised by the British Residency with the affairs of Nizam's Government.

The first is a native report of a very extraornary nature, and we confess that if it should prove true ; we shall feel no little astonishment that the Resident should have so committed himself on paper, but we nevertheless publish it for this reason, that Government can easily ascertain whether it be substantially correct or not, and if it be correct, we have no hesitation in saying that it calls for serious notice.

Two natives named Azim Ali and Lukhnee Doss, (the former the confidential Moonshee and the latter—a Sahookar—the native partner of Mr. Dighton, the gentleman we lately mentioned as being so influential at the Residency) are bound to furnish at stated times a stated portion of the pay of the Nizam's Reformed troops. Some time about September last their payments were delayed, and the Resident complained in consequence. Azim Ali replied that there was not extant a sufficiency of the particular currency in which the troops are paid viz. the *Bagh Chulnee*, * and that this was the reason of the delay.

Here be it observed, *en passant*, that the Resident ought to have known that this excuse (if really made) was a mere flimsy pretext ; for, if Azim Ali had had any money at all forthcoming, in *any* currency, he would have been entitled, merely paying it into the Resident's Treasury in lieu of the *Bagh Chulnee* currency, to receive *interest* on it from the minister, Rajah Chundoo Loll.

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* There are at list *six* different currencies in the Nizam's Territories, but the *Bagh Chulnee* alone passes at the various British offices.

The Resident however, as our report goes, made Azim Ali's excuse the ground of a complaint to the minister respecting the different value of the various currencies, and the inconveniences arising therefrom, and actually went on to propose, that the minister should establish a new and uniform currency, telling him he might accomplish this without loss to his Government, *making the capitalists suffer the loss on the new coinage*, by prohibiting the passing of the old currencies.

A more inconsiderate, or else a more unprincipled proposition (the Resident's character compels us to believe it the former, if indeed he really ever made it) has seldom come within our knowledge ; but the strange thing, stranger even than that a British Resident should have ever made such a suggestion, is that, as the report goes, the minister at once rejected it, saying that his Government was too poor to bear the expense of recoining, and that he would not inflict a loss upon the subjects of the Nizam.

Now, considering how profitable *such* a recoinage would have been to the minister (who would have also been entitled to the Government fees—siegnorage we think it is called) and how much he is pressed for money, we must say that if, under these circumstances, he rejected such a proposition, coming from such a quarter (one whose authority would quite have screened the minister from blame) it reflects high credit on the integrity and good faith of Rajah Chundoo Loll.

The Soucars would of course be losers by a recoinage, the difference of exchange between constituting no small part of their gains ; but, though the general advantage which would accrue from the adoption of so intrinsically desirable a measure, must of course outweigh all considerations of individual interest, but will not justify a disregard of the fundamental rules of justice and good faith—still less would it justify a Government in securing a large profit to itself, by throwing the expense of a generally beneficial measure on the *only* class of its subjects, which must, in *any* case, suffer by the adoption of that measure.

We repeat that this subject is one eminently calling for enquiry on the part of the Supreme Government ; and we say moreover, that if the doctrine of non-interference is to be acted on in any case, it should be acted on in all, and the ministers of independent Native States ought not to be worried with calls for accounts of receipts and disbursements ; nor with queries and remonstrances about *every trivial matter*, till they are provoked into saying *that such restless inquisitiveness and interference 'makes their lives bitter.'*

We republish below from the *Cerneen* an article which is of interest to the merchants and shipowners of Calcutta trading with the Mauritius. It appears that a magistrate of that island has thought fit to interpret the Merchant Seamen's Act as applicable to lascars, and consequently threatens to inflict a penalty of ten pounds for every man shipt as a seamen without articles being signed. It is pretty well known here that lascars are not British seamen, and it seems hard that those who have not the privileges should be subjected to the penalties, but as we do not know whether there is any redress from the opinion of this single magistrate nearer than in England, it is necessary for those engaged in the trade to take care how they *subject themselves* to his interpretation of the law.

'We would particularly call the attention of our readers to the letters which have been addressed to us, and which we publish in our columns of to-day, referring to the extraordinary proceedings which Mr. Stipendiary Magistrate Fitz-Patrick has recently thought proper to adopt, in his capacity as one of the Commissioners lately appointed for carrying into effect the provisions of the Merchant Seamen's Act.

If we have not ourselves previously alluded at the subject, it is because judgment upon the last and most important case brought before him was, upon some pretext or other, from day to day deferred and not finally, pronounced until Friday last ; and because we conceived it to be our duty to refrain from expressing any opinion respecting it until judgment had been delivered, lest, for reasons which will be understood, we might in any manner prejudice the case.

Of that case the facts are these :

Upon the day succeeding the one upon which Mr. John Scott, Chief Officer of the Calcutta ship *Christopher Rawson* was unanimously acquitted by an impartial jury of an accusation of *Manslaughter* brought against him by the lascars of that vessel—the verdict of acquittal having been pronounced by the jury without leaving the box, and their minds having, as we understand, been made up, before even the Counsel for the prosecution had replied, or the Judge himself had summed up—a pretty convincing proof of their appreciation of the value of the evidence—Captain John Smellie, Commander of the before-named ship, was served, at whose investigation we shall not stop to enquire, although our opinion upon that subject is already formed, with a summons, on the part of his petty officers and crew, to appear upon the ensuing day at the office of Mr. Stipendiary Magistrate Fitz-Patrick. With this summons of course Captain Smellie complied, and upon arriving at Mr. Fitz-Patrick's office was informed, that, in consequence of his having left Calcutta without having entered into written articles with his crew, he has exposed himself to a penalty of Ten Pounds Sterling for every man he had brought down with him, and that, therefore, he had no hold whatever upon any one of his crew, all of whom were at liberty to proceed whithersoever they pleased. Upon some representations however, which were made by Captain Smellie's legal adviser, Mr. Fitz-Patrick consented, although with reluctance to postpone his decision ; and, as we have already said, after deferring judgment from day to day, he, upon Friday last, sentenced Captain Smellie to the mitigated penalty of Five Pounds for every lascar he had on board, their number amounting to Thirty-two ! The *Christopher Rawson*, whose cargo is not yet all landed, is consequently without a crew, and the period of her being able to leave this port, as well as the extent of the loss which may be entailed upon her Owners, exclusive of the heavy fine which Mr. Stipendiary Magistrate Fitz Patrick has thought proper to inflict upon her Captain, are as yet of course matters of conjecture.

Let us now examine the ground of Mr. FitzPatrick's decision, and endeavour to ascertain if it is either equitably or legally based.

The preamble of the Act of the 5th and 6th of William IV. c. 19, commonly called the Merchant Seamen's Act is intituled An Act to amend and consolidate the Laws relating to the Merchant Seamen of the *United Kingdom*, and for forming and maintaining a Register of all the men engaged in that service. The 2nd section of the Act prescribes that no Master of any ship or vessel shall carry to sea, on any voyage, any seaman of the United Kingdom—that is to say of Great Britain or Ireland, such seamen being generally called *British* seamen—without previously entering into a written agreement with every such seaman, stipulating the date of his engagement, his rate of wages, the voyage projected, etc ; and the 4th section provides, that for every such seaman taken on board without such written agreement, the master of the vessel so taking him on board shall forfeit and pay the sum of Ten Pounds Sterling ; and if the master shall neglect to cause the agreement to be read over to every such seaman, he shall forfeit and pay the sum of Five Pounds Sterling.

Now, it unfortunately happens for Mr. Fitz Patrick, that this Act applies only to *British* Seamen, and that its provisions in no way whatever extend to *Asiatic* Sailors,—an assertion which we think we shall be enabled satisfactorily to prove.

By the Act, 4th Geo. IV. c. 80, it was expressly

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declared, that no *Asiatic* Sailors, Lascars or natives of countries with-in the limits of the East India Company's charter, should be taken or deemed to be *British* sailors, seamen or mariners, nor placed upon that footing or admitted to the privileges of such; and by the same Act it was further provided, section 23, that those clauses of the act, commonly called the *Navigation Act*, which required that a certain number of *British* seamen should be on board and form part of the crew of every vessel comprised within the meaning of that Act, were not to extend to any ship or vessel employed between places within the limits of the Company's Charter, including the Cape of Good Hope; and moreover, by section 25, that it should be lawful for the Governor General of India, from time to time, to make and alter such Rules and Regulations as were to be observed by Masters, Officers, and Owners of vessels, of which the Crews should be composed, either wholly or in part, of *Asiatic* Sailors, Lascars, or other natives of countries within the limits of the Company's Charter, whilst such *Asiatic* Sailors etc. were on board such vessels, and absent from the countries to which they respectively belonged, and for the conveyance back of such *Asiatic* sailors, within a reasonable time, to the places from which they had been taken.

By virtue of the authority so conferred on him, the Governor General of India issued instructions to the Marine Board of Calcutta, to frame a set of special Regulations which should be applicable to *Asiatic* Seamen embarking on board ship, not only from that port, but from every other Presidency of India, to all other ports and places within the limits of the Company's Charter. Those regulations, of which a copy may be seen by reference to the Appendix of Smith's Bengal Directory for 1840, were accordingly drawn up; and by them from the period of their first promulgation up to the present momont, the Merchant Shipping of India have been exclusively governed.

In the set of regulations alluded to, no mention whatever is made of written articles between the Commander and his Crew; as, from local circumstances, it would be utterly impossible that they would be subscribed.

That it was ever contemplated the Merchant Seamen's Act should extend to India, will, we thinkf moreover, be clearly disproved, by the wordding of that document itself, exclusive of the preamble already cited which evidently displays its intent and purpose, and the restricted sense in which it was meant to be employed. We need only city the exception, by the 2nd section of its application to *Apprentices*, a description of persons who, as our readers are all aware, are never embarked upon or form part of the crew, of country ships; and of the appropriation of a portion of the fines levied in cases of contravention, to the purposes of Greenwith Hospital, to which institution, as is also well known, *Asiatic* sailors are in no way required to contribute.

Besides, the 54th and last section of that act specially exempts, from its application, any ship registered in or belonging to a *British* Colony, having a Legislative Assembly, or the crew of such ship while she remains within the precincts of such colony. Jamaica and all the other West India Colonies, similarly excluded from its operation. But we ourselves conseive, that reservatory clause was meant to extend still fouther, and that its effect embraces India also For, without attempting to define that strict and liberal acceptation of the term *Colony* which has been the subject of some legal discussion, we conceive that no one will deny India to be, to all intents and pruposes, British colonial possession. belongings, it is true, to a chartered company, who are, and who will yet be, for some time longer, its territorial lords. But are not the persons who compose that company themselves the subjects of, and the greater part of them resident in Great Britain? Are not, moreover, the possessions of the East India Company considered to form an integral portion of the British Empire? And are they governed except according to the good will and pleasure of the Home Ministry for the time being? For, it is surely needless to acquaint our readers that there exists in England a Board of Controul for the Affairs of India. India, therefore, we repeat, must be considered as coming within the operation of that clause in the Merchant Seamen's Act, which excepts all *British* Colonies, having Legislative Assemblies or Councils, from its penal enactments. As regards a vessel remaining within her *precincts* we are decidedly of opinion that the *precincts* of India must be considered to extend to the *limits of the Company's Charter*, in which, it is unnecessary to add, Mauritius is included.

Not only, however, does Mr. FitzPatrick refuse to put upon the clause in question the interpretation whcih we conceive to be just, but he maintains if we are correctly informed, that the Rules and Regulations published in India for the observance of the Merchant Shipping employed in the country trade are totally invalid, and can in no way set aside his view of the provisions of the Merchant Seamen's Act, inasmuch as those Rules and Regulations were promulgated before the passing of that Act, by which, in his opinion, therefore they are annulled.

Now, we would take the liberty of apprizing Mr. Stipendiary Magistrate FitzPatrick of a fact of which he does not seem to be aware; and that is, that so long ago as the second year of the reign of King George the 2nd, now nearly a hundred years ago, an Act was published, containing the identical clause upon which the prosecution of Captain Smellie in the present instance has been founded, namely, the necessity of written articles being passed between the master of a vessel and his crew; and that, notwithstanding that clause has in every succeeding Act for the encouragement and protection of *British* Shipping been maintained, its maintenance was considered by the British Parliament incompatible with the enactment of the law investing the Governor General of India with the right of issuing the Rules and Regulations for the special government of *Indian* Shipping and of *Asiatic* sailors, which he, Mr. FitzPatrick, declines to recognize.

We are, therefore, necessarily obliged to adopt one of two conclusions. Either the practitioners at the Calcutta Bar, among whom we had been always taught to consider there were many eminent and distinguished men, are utterly ignorant of their profession, and unable to expound the law which it is their province to uphold; or in like manner the merchants and ship owners of Calcutta are totally uninstructed with respect to the conditions upon which their ships may be navigated and have gone on for a long series of years infringing with impunity those conditions which they ought to have carefully observed; and consequently Mr. Stipendiary Magistrate FitzPatrick alone shows any thing at all about the matter, and has at length found it necessary to afford both the lawyers and the merchants of Calcutta the benefit of his profound enlightenment; or,—but of course we put this as a very remote contingency—it may by possibility happen that, inasmuch as we believe Mr. Stipendiary Magistrate FitzPatrick has not himself received a legal education, the oracular decrees which emanate from this august tribunal may not all turn out to be infallible, and he may for once in his life prove to have been in the wrong!

ENGLISHMAN, DECEMBER 25.

We now proceed to give another curious instance of British interference at Hyderabad. It refers to the small tributary state of Sholapoor or Shoozapoor, and is partly connected with the case of Mahadeogheer, published in our paper some weeks ago.

Part of the following statement we derive only from report, and of course give it only as report, though we understand it will be found on enquiry to be substantially correct; but the remaining part we have from good authority.

Sholapoor is a small territory, bordering on the Bombay Presidency, which is governed by a Rajah of its own, who is tributary however to the Nizam, from whom he receives investiture on his succession to the guddee. Sholapoor is inhabited by a Hindoo population of Pariahs, who distinguished themselves by their brave defence when Aurengzebe invaded their country, and thereby acquired the honorable appellation of Beders, (fearless) by which they are now commonly known, and certain other privileges. The valour of its population, when under an energetic prince, often rendered them a match for the whole power of the Nizam, whose Government was frequently unable to enforce the payment of its kists; and in consequence of this, when we concluded our treaty of 1800 with the Nizam, though we refused to support him in the collection of his revenues, it was expressly stipulated in the 17th Article of the Treaty, that we should assist him with the Subsidiary Force to compel the payment of the Sholapoor tribute.

During the time when the Sholapoor Rajah could get his bonds endorsed by the British Officer commanding at Muktul, his kist was paid to the Nizam's Government with tolerable regularity, but, since that system was discontinued, it has been considerably in arrears.

—The minister complained of this to the Resident, and out of this complaint arose the remarkable circumstances we are about to detail.

We cannot state whether the communications were made verbally or in writing, or whether by the Resident himself or his assistant, but the source whence our information is derived satisfies us that if proper enquiry be instituted it will be found substantially correct.

Our information then runs thus; that the Resident, in reply to the minister's complaint, said 'why do you not consult Mr. Dighton?'—an intimation which the minister with his usual subserviency to any Residency intimations or wishes, real or supposed, obviously construed into a desire, that he would ask Mr. Dighton's advice and act upon it. He even went further, for his conduct obviously shows that he supposed it to be the Resident's wish, that the transaction should be made a source of emolument to Mr. Dighton.

The minister sent for Azim Ali, Mr. Dighton's confidential Moonshee, and directed him to write on the subject to his master. Mr. Dighton replied* to the effect that 'if the present Rajah of Sholapoor were removed, and the management of the territory assigned to himself, with a certain number of troops and proper assignments for their pay, its affairs would be properly conducted.'

The minister hereupon sent Mr. Dighton's letter to the Resident, and said that he would put Mr. Dighton in charge of the territory, in conformity with the Resident's wishes.

This plain statement seems to have opened the Resident's eyes, for we understand he immediately desired very earnestly (and we doubt not very sincerely) that he had ever intended any interference, and told the minister explicitly to do just as he himself pleased.

The sequel is very remarkable. These occurrences took place about the end of September—Mr. Dighton has not got Sholapoo, yet.

Now, supposing our information to be substantially correct, we do say, that this case alone ought to have convinced the Resident of the implicit deference show even to his supposed wishes, and consequently, how extremely guarded he is bound to be in his slightest suggestion in favor of a person known to be intimate with him.

It shews, that the slight expression above alluded to, sufficed to make the Minister believe, that he was bound, not only to consult Mr. Dighton, but to act upon his advice—to the great injury of the Sholapoor Rajah—to the great wrong of his people—but to the great advantage of Mr. Dighton. It shews, that no sooner was the Minister explicitly informed, that the Resident really wished him to do as he pleased, than he at once scouted the idea of assigning such a territory to Mr. Dighton, thus sufficiently showing his real reason for intending formerly to give it to him.

We think it right to give publicity to these reports, because, whether true or false, they are extensively if not universally credited at Hyderabad, and the Supreme Government ought to know that this is the case, as it alone has the power to ascertain whether these are mere native reports, or whether, on the contrary, they be not really founded in fact and substantially correct.

The absurdity and injustice of Mr. Dighton's (reported) answer and recommendation—involving nothing less than the forcible dethronement of an independent though tributary Prince, and the transfer of his territories to a British Subject—is so self evident that comment on it would be obviously superfluous.

We are further informed, from a better source, that when the Resident was enquiring, in October last, into the case of Mehadeo-gheer, the Sholapore Sapookar, (his case appeared in a former paper;) he was seriously contemplating the expediency of sequestrating Sholapore—a measure approved of or suggested by his assistant, Captain Malcolm—and was making very particular enquiries accordingly concerning that territory, and the rules of international law now as applicable thereto, if the Company's Government usurp or sequester territories, it must be admitted, that the mass of the population at least are benefitted by the introduction of their more enlightened rule, and their endeavours to do justice impartially to all men; and many would admit this as extenuating the injustice of the original usurpation; but not only is the case now supposed devoid of any extenuating circumstances, but it abounds with circumstances of deep aggravation.

The injustice to the Rajah in deposing him because his credit is so low, his revenues so fallen off, and old arrears so accumulated, that no imposts he can levy, will suffice to pay off a debt which (when he was assisted by the signatures of British officers) he kept down as far as he could and as regularly as he could, is sufficiently clear, but the injustice to the whole mass of his subjects is still more cruel, and it is particularly on this ground, that we consider the reports in question to call for serious enquiry. That a community exclusively Hindoo, governed by Hindoo customs, Hindoo Laws, Hindoo revenue system, and possessed of peculiar privileges of long standing naturally endeared to the people by the circumstances in which they originated, should be at once deprived of all these advantages and placed summarily under Mussulman rule, Mussulman revenue-system and revenue-officers, with their swarm of needy and extortionate dependents and subordinates—the whole supported by a Mussulman half disciplined and lawless soldiery—and this merely, because the Princes of this Hindoo race had not been able to pay the whole of the tribute imposed upon them, would be a measure disgraceful to any nation possessing the slightest pretensions to a regard for justice; but that such a measure should originate, and on such grounds, with a Representative of the British Government, or be backed by him, would be an indelible blot on the national character. Such an act would be wholly opposed to the spirit and tenor of Lord Auckland's administration, and we feel convinced, would never meet with his countenance or that of the Directors or Board of Control.

* There is a native report at Hyderabad that all Mr. Dighton's notes addressed to his Moonshee Azim Ali, for the Minister are always returned to him. This, if true, is not a little significant.

HURKARU, DECEMBER 19.

(From a Correspondent.)

The "Theatricals" at Government House on Thursday evening, afforded a delightful treat. The pieces selected for representation were "Matrimony" and "He lies like Truth," light two-act pieces requiring but few characters and little scene-shifting. The plot of "Matrimony" is simply this. A young married couple, Clara (Mrs. *T———ns)* and Delaval (Captain *Broome*) indulge in lover's quarrels, and become exceedingly anxious to get rid of each other. Clara presently finds herself in (what she believes to be) a prison, and Delaval is presently immured there also. The disunited pair are shut up in the same room together, to their mutual dissatisfaction at first, until by degrees they again becomes friends, and finally lovers, just at the moment when the inexorable "Governor" (*Mr. Torrens*) and the jailer (*Mr. Parker*) enter to part them, and confine them in separate cells.) They are now as anxious to be imprisoned together as they had just before been to remain eternally separated. An attempt to escape together is frustrated; but at last the "Governor" informs them that he has received orders to liberate *one*, but only one—the boon to be conferred upon whichever shall first sign a deed of separation! After each has in vain urged the other to sign and be free, they tear the deed to fragments and mutually resolve to suffer imprisonment for life together. The supposed prison thereupon turns out to be the mansion of a friend of Delaval's father,—the "Governor" himself the noble proprietor, Baron de Limburg,—and the formidable jailer, his very soft-hearted Irish servaat, O'Clogherty, whose "tender" heart and blundering head had been momentarily within an ace of betraying his disguise. We had almost forgotten to mention that the part of Lisetta, the *soubrette* of Madame Clara, was performed hy Mrs. *P———r*, with her accustomed spirit and tact. The grace and *naiveté* of Mrs. *T———ns's* acting excited unbounded admiration and applause, while the fun and humour of *Mr. Parker*, as O'Clogherty, kept the audience in a roar. The after-piece was still more productive of merriment, Mr. Truepenny (Captain *Sewell*) a wealthy merchant, promises his daughter Harriet (Mrs. *T—ns*) in marriage to a wild, thoughtless young blade, Rattler, (*Mr. Parker*) but upon the express condition that if young hopeful is detected in a single fib during one whole day, the engagement is to be broken of. Master Rattler is not informed of the condition until he has told his old matter-of-fact father-in-law a dozen lies through sheer wantonness, and about two dozen more in verification, The old gentleman thinks he has fairly caught his hopeful son-in-law, and the marriage is in imminent danger of being knocked on the head, when the catastrophe is averted by the ready wit of Priscilla, (Mrs. *P—r*) Miss Harriet's maid, who is engaged to clincher (*Mr. Torrens*) and who is deeply interested in her mistress's marriage being brought about, inasmuch as she is to receive five hundred pounds as a wedding portion on the same day. Priscilla accordingly gets her lover to personate the various ideal characters which the fertile imagination of Mr. Rattler conjures up in succession; first, Monsieur Tonson Carnassier, a Frenchman, who has purchased for fifteen thousand pounds, Rattler's ideal mansion in St. James's Square, then, an Irish hussar officer who has called out Rattler for throwing a man out of the window at him, and who produces a squashed cap as a memorial and a proof of the event; and lastly, Sir Robert Manly, the counterfeit brother but true counterpart of Sir Henry Manly, (*Captain Broome*) the uncle of our hero Rattler, whom he has never seen in his life, but of whose acquaintance he isin the act of baasting at very moment that he is introduced to him for the first time. The fun of the piece of course consists in the ludicrous dilemmas in which Rattler's fibbing propensities place him, and the ingenious personation of his ideal characters, got up by Priscilla and her coadjutor, Clincher. Mr. Torrens's mimicry of the rapid Frenchman jabbering broken English, wss inimitable, and his grotesque dress, gestures and accent, kept the risible muscles of the audience in continued play for about a quarter of an hour. How the other performers contrived to keep their countenances, we can scarcely imagine. Both pieces were enlivened with songs, solos, duets and hornesses: and as we have mentioned the names of the distinguished performers, we need scarcely say that the vocal performances were not the least of the evening's attractions. Altogether, we were never present at amateur representations more completely successful, and we are very sure that every one of the gay assemblage enjoyed mirth enough to dispel blue devils for a long season.

May we be allowed to observe that a very simple arrangement would have prevented a great deal of the delay and confusion which arose, when the party broke up, among the carriages and buggies of the departing guests. A European constable should be stationed at the great door, to call out the names as the carriages drive up, with strict orders not to allow any conveyance to wait, blocking up the way, if the parties whose names are announced, do not respond to the call immediately.

HURKARU, DECEMBER 25.

Mr. William Clode Braddon has been appointed Sheriff for 1841, and Mr. George Higgins Deputy-Sheriff.

Mr. Peel, the Company's Advocate-General was yesterday sworn in, and took his seat at the Bar, under a patent of precedence from the Crown. The learned gentleman is, we believe, considerably junior to some of the members of our Bar, but, of course, no question of right of priority can be raised, as long as the letters patent are in force. It is rather singular that this question, though raised on more than one occasion, has never yet been decided. When an Advocate General has been appointed from England, he has always brought his patent with him, and in most of the instances of local appointments the right has either been conceded to him or surrendered by him. The general impression is that the right is *not* incident to the office. As advocate merely for the East India Company, there can be no doubt that the office would confer no right or privilege whatever. The standing counsel might equally claim it on the same grounds. The East India Company have no special privileges when suitors in Her Majesty's Courts of Judicature; and any other Company might appoint its own accredited advocate and attorney. It is only in so far as the office of Advocate-General of the East India Company is an office under the Crown, that any right of priority can be claimed in respect of it. The whole claim would in fact depend upon the statute 53 Geo. III. C. 155 S. III, which empowers the "Advocate-General, or other principal law officer of the Company for the time being, at each Presidency, *for and on behalf of his Majesty*, his heirs and successors," to exhibit informations against any person subject to the jurisdiction, for all causes of action, debts, dues, demands, &c., as fully and effectually, to all intents and purposes, *as his Majesty's Attorney General*" is authorised to do in any of his Majesty's Courts of law or equity in the British realm.

SUPREME COURT, DECEMBER 23, 1840.

TRIAL OF MAJOR HENDERSON'S COOK.

This case came on to-day, the prisoner pleading not guilty.

The purport of Major Henderson's deposition was as follows: That on the day in question after he had returned home, he heard of some misconduct of the cook, and authorised his dismissal to Mrs. Major Henderson. In the afternoon a pudding was served up. Mrs. Henderson on putting it into her mouth, exclaimed that it was "horrid." Major Henderson then put a small portion in his mouth about the size of half a nutmeg. At first he felt nothing, but on swallowing it, felt a quick active bitter. A portion of the pudding was sent up to a nurse, Mrs. Welsh. The pudding was taken about six or seven in the evening, and nothing occurred from that time until Major Henderson went to bed when he was restless, and the following morning felt himself feveish. On returning from his ride this morning he found Mrs. Henderson extremely ill, complaining ef pain and vomiting. During the day I saw her two or three times. I saw the nurse likewise very ill about the same time. Dr. Garden sent for at seven or eight o'clock. Information was then given to the thannah people. It was reported to Major Henderson that the prisoner had come to the door and gone away, after which he directed enquiry to be made towards his dwelling. The prisoner was only one month in Major Henderson's service.

Eleanor Welsh sworn.—I am in the service of Major Henderson's family. The pudding was brought to me on the day in question, by one of the kitmutgars. On eating it, I found it taste bitter. I only took a mouthful, as it was very bitter. A message was immediately then given to me not to eat the pudding, About ten minutes after I ate the pudding, I felt sick and giddy, but did not vomit. I felt very unwell during the night, and had a severe pain in my chest. The next morning I rose at about five, still alive to the symptoms of the preceding night. An hour after I saw Mrs. Henderson, who appeared to be very unwell and was vomiting. The metranee was likewise ill, as she complained the whole night. Dr. Garden then came in.

The other evidence connected with the arrest of the prisoner, the detection of arsenic in the pudding, and other points was taken, and which it is not necessary to be given as the best part has already appeared in the papers.

His Lordship then summed up the evidence, and the verdict returned by the jury was "Not Guilty."

SALE OF INDIGO FACTORIES.

The late *Mr. R. H. Matthews'* Indigo Factories, in the districts of *Shahabad* and *Gyah*, seemed to create much competition among planters generally—the attendance at *Messrs. Jenkins, Low and Co's rooms* was full, and the biddings spirited. The following lots sold, viz:

The *Rhotas* and *Dearie* works, consisting of 7 Factories, including balances for..... Co.'s Rs.	1,52,312
Bulleah works, consisting of 3 Factories.....	24,043
Dunwar, consisting of the Dunwar Factory.....	30,894
Doudnugger, consisting of 3 Factories.....	11,649
Co.'s Rs.	2,18,898

The remaining three lots, viz:—Shergotty, Mustung and Balah works, were taken in on account of the estate.—*Hurkaru.*

SALE OF IZARRAHS.

Five Government Izarrahs, in a rich Sugar Cane Country, the District of Bogoorah, with an Indigo Factory of ten pair of Vats comprising upwards of 50,000 beegahs of land, were put up to-day, at the Exchange Auction rooms, but was unfortunate in not obtaining a bid above 45,000 rupees:

"The Factory is most eligibly situated on the Banks of the Juboona, with the limilts of the village of Jeypore. The Juboona is a small River falling into the Atrie. About 20 cess lower down, it is navigable for large boats 5 or 6 months: and for very small ones all the year."

The original motive, it is stated, for taking the izarrahs from Govenment was an intention of speculating largely in sugar, and the consequent erection of Works for that purpose to which the Government's sanction to perpetual pottahs had been obtained—and we are very sorry that the object has been frustrated and the property brought to the hammer, for we are always glad when enterprizing individuals, especially in this country, are able to meet with a just recompense and profit for their first outlay and subsequent exertion for the benefit of the public.—*Courier, Dec.* 22.

INDIGO MARKET.

NEW MART, MISSION ROW, 21ST DEC. 1840-41.

Our second public Sale of the season took place this day, and of 394 chests of Indigo put up 192 were sold at prices fuly equal, and in some instances superior to the valuations.

L & A

The whole of the mark, A. J. Lamb, AD

H M

Arungabad, Moorshedabad formerly found MASEYK.

buyers and averaged within a few annas of 165 Co.'s Rs. per maund.

The following are the particulars of them:

Conditions cash without discount or allowance.

	Co's Rs. As.	
10 Chests sold at..	....175 0	per fy md.
30 Chests ditto,....	...170 0	"
30 Chests ditto,..	.....167 8	"
10 Chests ditto,....	.. 165 0	"
10 Chests ditto,..	.....162 8	"
10 Chests ditto,....	..147 8	"
5 Chests ditto,..	.....150 0	"
3 Chests broken & pieces	142 8	"

The other Sales were as follows:

B 13 Chests sold at....	177 8	"
1 Chest ditto	120 0	"
H F & Co.		
M 3 Chts Dust, &c. do.	110 0	"
[B]2 Chests ditto.....	90 0	"
D		
R C 1 Chest ditto.....	70 0	"
T C R 7 Chests ditto,....	127 8	"
Old Indigo		
M G 46 Chests ditto 45 to.	120 0	"
T R 5 Chests ditto.....	170 0	"
A K 10 Chests ditto..	130 0	"

T B 24 Chests, Kishnaghur, 42 Chests of Doab Indigo, the 110 Chests of Seesoonee and Munjul, Tirhoot, and several other lots were bought in, the limits put upon them by the proprietors not being obtainable.

N. B. We shall hold another Sale on Monday next, the 28th instant.

HICKEY, BAILEY AND CO., *Brokers.*

FRIEND OF INDIA, DECEMBER 24.

REPORT OF THE COOLY COMMITTEE.—We now proceed to analyse the Report of the Committee or rather of the majority of the Committee present in Calcutta, on the subject of Cooly exportation. The evidence upon which their opinions are founded is specifically referred to in every instance in marginal notes.

The Committee have arranged the subject under three divisions; the first embraces the facts which are strictly warranted by the evidence; the second treats of the consequences, which in their judgement will necessarily result from reviving the trade; and the third refers to those precautions which appear to be necessary, in the event of its being re-opened.

These facts again may be usefully subdivided to correspond with the plan of the evidence which was taken by successive Committees of the House of Commons, regarding another trade, to which the Cooly trade is supposed to bear too great an analogy. Upon that classification it will be necessary to treat of the means by which the coolies were obtained; their treatment in the middle passage, and subsequently, in the colonies to which they were exported.

The Committee consider it to be distinctly proved that the Coolies who were exported to the Crown colonies, were induced to come to Calcutta by the grossest misrepresentations and deceit, practised on them by the native Duffadars employed by the European and Anglo-Indian undertakers and shippers, who were generally cognisant of these frauds, and received a certain sum per head for each Cooly. That if the Coolies had been made aware that they were to go beyond sea, and to remain absent five years, few, if any, would have entered into engagements. That they were induced to come under engagements by being persuaded that they should find employment in the country as peons under the Company, or as gardeners, porters, &c. That the Coolies, and more especially the Hill Coolies, were totally unable to comprehend the nature of the contracts into which they entered, even when an opportunity was afforded for explaining it to them. That in despite of the protecting regulation of Government an impression was successfully maintained on their minds that they would be liable to penalties if they expressed dissatisfaction at being sent on board ship; and this appears to have operated to induce them, both previous to their departure and subsequent to their return, to suppress all mention of their grievances, when they conceived themselves interrogated by the servants of Government. That kidnapping prevailed to a considerable degree, and that the coolies, when brought down to Calcutta and its neighbourhood, were subject to a state of close imprisonment. That the Police of the Town seemed to be ignorant of these practices of kidnapping and close imprisonment; and that whatever remedies were adopted to restrain these abuses, were ineffectual. That the advance of six months wages was real as far as the planter was concerned, but nominal so far as the Cooly was interested. The planter paid the whole sum; the Cooly received little or none of it. He was pillaged of nearly every rupee by the intermediate and subordinate crimps who took advantage of his simplicity, and the peculiarities of his situation. That if the system of advances were done away with, the main prop of the Cooly Trade as it existed, would be removed. The Committee further remark that of all the different parties concerned in procuring and shipping the Coolies not one tendered his accounts. That the legislative enactments for the prevention of abuses and the due regulation of the trade, were in general extremely inefficacious, and that in spite of these Regulations, of 366 Coolies exported to the Mauritius in the *Sophia*, in October 1836, very nearly two-thirds were shipped without any pass or permit from the Police at all, during her progress down the river. The act of 1837 however produced some amelioration. That the only inference to be drawn from these facts is, that regulations, which restrict the illegal exportation of Coolies, may be evaded to any extent with impunity. It is a well known fact that Coolies were brought down the Roopnarayun, and shipped into vessels sixty miles below Calcutta, and we ourselves have been assured by one who was largely interested in the trade, that with such a long line of coast from Chittagong to Gangam and its numerous outlets, it would be utterly impossible for Government effectually to prevent the surreptitious exportation of Coolies. The Report proceeds to state, that though there has been no restriction on the emigration of females, and the Mauritius Government has been anxious to encourage it, yet it may be inferred that the planters have not, and that very few women have ever embarked. That the abstraction of those who were the main support of their families has been most disastrous; and that the districts of Bancoorah and Maunbhoom, have been burdened with a vagrant and mendicant population, consisting of the deserted families of the emigrant Coolies. That the number of Coolies carried to the Mauritius, from Pondicherry, a French port, was *ten thousand*, and far exceeded the number sent from British ports, the great majority of these Coolies being British subjects; and that *seven thousand* Coolies were likewise sent from Madras to a foreign and a slave colony, to the island of Bourbon.

The Report farther states, that the Coolies were treated with regard to their advances in a manner which cannot but be considered infamous in the highest degree. The Agent received a Commission of Thirty, and at the lowest

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of Twenty Rupees a man; this was paid by the Planter. The Cooly received nominally an advance of six months' wages, in consequence of which he was necessarily obliged to labour, two, three or four months at the Mauritius without any pay at all. *Out of this advance* the inferior agents received three Rupees per man? the duffadar was paid two Rupees; and Mr. Hughes, the crimp, received six Rupees from the same source. Besides this, the settlement of the accounts of these poor ignorant simple creatures rested with those who preyed upon them; and it will not therefore be matter of surprize that according to the evidence of one commander, they actually received only *seven* Rupees a man out of thirty; twenty-three Rupees having been abstracted by the various grades of agents, And this appears to have been the maximum, for many of them did not receive so large a sum. On the same subject of allowances the Report states in continuation that the planter keep back one fifth of the Coolies wages to pay for his passage back, which does not cost more than 10 Rs. out of the 54, which the planter detains.

Relative to the middle passage, the Report states, that the hardships and miseries have been very great under the most favorable circumstances; that the mortality from drowning and other causes has been most serious; and that if the emigration to Demerara and the West Indies be allowed, the mortality, judging from past experience, would be not much less than ten per cent.

Of the treatment of the coolies at the Mauritius the Report states that the evidence is contradictory. Four European gentlemen, all unexceptionable witnesses in point of good faith, character, and veracity, bear testimony to their generally healthy appearance, and apparent contentment. The Natives who had returned, however, with one exception, told a different tale. The conclusion left on the minds of the Committee was that if the contracts were fulfilled, the Cooly bettered himself by emigrating to the Mauritius, but that the contracts had been strictly and letirally fulfilled in no instance. On hese subjects the evidence is the less valuable and important, inasmuch as the treatment of the Coolies by different individuals will necessarily be of a various character, and even the treatment the labourers by the same person at different periods, may differ according to circumstances. Those who consider the statement of of the few coolies who have just returned, as decisive of the treatment of the twenty five or thirty thousand that remain, will be disposed to contraverse the impression left on the minds of the committee.

Advancing now to the second division of the subject, the Report proceeds to contrast the wages of the Cooly at the Mauritious with that of the free Negroes. The nett wages of the Cooly, and his food and clothing, are put down at £8 18 a year; the expence of a free labourer who receives a dollar a day, combined with his clothing, amount to £68-18; and of a free labourer who receives half a dollar a day, to £32-8. Mr. Dowson on the other hand labours to shew in his minute that there is by no means so great a disproportion between the expence of the two classes. He makes out the charge for a cooly to be £13-3-7 a month, and for a free agricultural labourer, at the highest rate ever given, £19-4. In his evidence, however, he stated that the emancipated negro coast *eight* dollars a month, and the Calcutta Cooly, *seven*. Upon these conflicting statements it is impossible to come to a decision without farther information. If the Committee be correct in stating that the cooly receives ouly about one-fourth of the market price of labour at the Mauritius, at its lowest scale, to take advantage of his ignorance of this circumstance, and bind him down to a five years' service at wages so inadequate is little short of a fraud, and it becomes the duty of Government to protect its subjects as far as possible from such delusions. If on the contrary Mr. Dowson's statement be correct, the difference between the price of Cooly and free negro labour is only a dollar a month, or twelve per cent, it is difficult to believe how so small a difference can produce so very disastrous a result as he apprehends, even *the entire ruin of that Colony* It is not easy to conceive to how island with so rich a soil, can be so entirely destroyed by an increase in the price of agricultural labour to the extent of only twelve per cent. The Report then proceeds to remark, that in common justice the contract system upon low rates of wages ought not to be renewed; that it appears from the evidence the Dangur or Hill Cooly is the very best labourer employed on the island; and that the question is not whether our Coolies, unencumbered with the charges of a family obtain better wages than they could obtain in India, but whether, if contracts were abolished as being made between parties of unequal knowledge, and the emigration become voluntary, it would not cease altogether. The Report also starts another question, by no means unimportant, as being based upon the principle of natural equity, whether an African free labourer, who was taken to the Mauritius as a slave, ought to be subject to any other competition than that which may arise out of a voluntary emigration into the Island.

The committee have recorded their opinion that from their knowledge of the working of the judicial and police establishments in the interior and in Calcutta itself; of the character of those who are employed in promoting the export of the Coolies, and of those whom Government would be constrained to employ in the working of the Regulations which miaht be passed to prevent abuses scarcely any human precautions would avail to prevent a repetition of them. That no arangement which Government might adopt would secure the emigration and export a sufficient number of females. This conviction is produced partly by the character both of exporters and importers, whose interest it is to secure labourers, unencumbered with their familes, and partly because it is contrary to the general character of Asiatics and to the feelings and prejudices even of the lowest natives to emigrate with their families and children. The Chinese whoemigrate by tens of thousand to the eastern Archipelago, are invariably leave families behind them, but very justly broughtforward to elucidate this position. In addition to the jealousy of the Asiatic character, other reasons are also to be found for the non-emigration of females in the want of due accommodation for women in maritime voyages and in the extreme poverty of the emigrants. The Committee further state, that in their apprehension, it is much to be doubted whether any Regulation in the Island of the Mauritius will suffice to secure the just performance of contracts; and whether any contracts as realy just and beneficial to the Coolies as they ought to be, would every be entered into by the contractors. The Committee are convinced that on laws or regulations short of making the whole land and sea trausport of Coolies a Government service, will suffice to prevent great misery and distress in all cases of emigration on this side the Cape, and that if West Indian voyages be permitted, the waste of human life and the misery that will fall on the Coolies, will be almost equal to those inflicted on the Negro in the middle passage. The Report then revers to the difficulty of preventing the unrestricted exportation of Coolies from the Danish, French and Portuguese settlements on the sea coast as decisive against the expediency of re-opening the trade; and expresses an opinion in which all except the cooly dealers, will concur, that the permission to renew this traffic will weaken the moral influence of the British Government throughout the world, and deaden, if not destroy, the effect of all future remonstrances and negotiations respecting the slave trade.

Here we must break off for the present.

CAPT. LLOYD'S CHART OF THE NORTHERN PART OF THE BAY OF BENGAL.—We have just been favoured with a copy of this valuable Chart compiled by Capt. Lloyd of the Indian navy, partly from surveys made by himself, partly from the surveys of brother officers. It embraces the whole coast from False Point to the Island of Akyab, (the three Coringas of the Hindoo geographers,) and lays down the soundings for low water spring tides, as well as the rise and fall of the tides. The work appears to have been got up with great industry and labour, and cannot fail to prove in the highest degree useful to those who are concerned in the difficult and dangerous navigation of this coast. No commander can sail his ship with confidence without a copy of this chart, and we think that Capt. Lloyd has performed a very acceptable service to the commercial navy of the port by the preparation of it.

It is not a little singular, that while Government has employed its professional officers to survey every other part of the Bay, the coasts from Point Palmyras to the Piply river, including Ballasore Roads, and embracing the scene of our earliest mercantile enterprizes in Bengal, should have been left unexplored; and that on a coast where the soundings are in a state of constant mutation, there should be no surer guide than the Charts which were made seventy years ago. It is to be hoped, that Capt. Lloyd, when anew disengaged, may be sent to complete the Chart, by an accurate survey of this range of coast.

In looking over the Chart, we could not avoid the conclusion, that if ever the Cooly trade should be opened again, it will afford no small facilities for the clandestine exportation of our labourers, throughout the various outlets in the Sooderbuns, of which the soundings and bearings are so accurately laid down in it. Before the suppression of the trade, we were distinctly informed by one who was much interested in it, that no Coast guard would be sufficient to prevent the shipping of Coolies, at the mouths of the various rivers which flow through that dense forest into the sea. With this chart for their guide, the commanders may baffle all the vigilance of the public authorities, and carry off hundreds of labourers, without any one being the wiser for it.

MADRAS.

ATHENÆUM DECEMBER, 26.

Colonel W. Monteith K. L. S. of the Engineers, has, we understand, taken his passage in the *Colombo*, which vessel will sail for Suez about the 15th proximo.

Lieutenant P. T. Snow of the 3d Light Infantry, is, we are informed, the fortunate at holder of the ticket, No. 663, to which the prizs of *seventy thousand* rupees was drawn in the 67th Government Lottery.

We understand that Captain A. F. Oakes is likely to succeed Major J. Wynch as Assistant Adjutant General of Artillery, on the departure of the latter officer for Europe.

We have been requested, again to remind our readers that a sermon will be preached at St. Andrew's Church to morrow evening by the Rev. R. K. Hamilton, in behalf of the *Friend in Need Society*, the funds of which are just now at a rather low ebb.

SPECTATOR, DECEMBER 26.

The late trial of Mr. Johnstone for manslaughter, at Bombay, as reported by the *Gazette*, presented some curious features on which we made remark at the time; stating that unless the sentence "had been strangely burlesqued by the reporter," it presented incongruities not usually met with on like occasions. The accuracy of the report in the *Gazette*, has we now observe been called in question by the other Bombay journals, which have however almost *verbatim* copied it; and the result is that the question stands upon even a more singular footing than before. The Editor has very properly applied to the gentlemen of the Jury, for their individual opinions, "as to whether the said report appeared to them to be correct in substance, or otherwise? the report merely claiming to be a faint outline of what fell from the learned Judge." The individual answers of each of the jury are given at length, and we think it would not be easy to obtain stronger evidence of the correctness of any report than the testimony they afford to this. Two of these gentlemen we find pronounce it in substance "to be perfectly correct;" one to be "very correct;" five, "to be correct in substance;" another declares it "to be what it purports;" one declares it "correct with the exception of one question," which he specifies, and the last says "the words are not those (exactly) uttered by Sir H. Roper, but the substance of the address is decidedly correct." With this summing up of the present state of the case, which does not after all make things any clearer than before, we now dismiss it; supposing that a report of what really was uttered, though unluckily so ill remembered or so ill understood by all who heard it, will in time set the matter in a more satisfactory point of view, than it at present seems to stand.

SYDNEY.

LATE SHIPWRECK AND MURDERS AT ENCOUNTER BAY.

SOUTHERN AUSTRALIAN,—SEPTEMBER 11,

FIRST REPORT of MAJOR O'HALLORAN, Commissioner of Police, to HIS EXCELLENCY the GOVERNOR:—

Camp Tentie—Opposité the first Island of the South Eastern branch of Lake Alexandrina, and about 5 miles to the W. N. W. of the Narrows.

August 26th, 1840.

SIR—By "Encounter Bay Peter," I have the honor to report the progress of the expedition under my command. e

Mr. Pullen returned from Rairwee (the Elbow of the Goolwa) by the evening of Friday, the 21st instant, to our first camp near the mouth of the Murray, with a fortnight's supply of provisions. On Saturday morning, the 22d, we started at an early hour, the mounted party keeping along the sea coast the entire day; but we could not discover any relics of our countrymen—three of whom were said to have been killed within a few miles of the sea mouth of the Murray; which, however, the Encounter Bay blacks declared to be false. During this day, (Saturday, owing to the wind being foul, the boats got on badly, and we halted for the night, about 12 miles from where we started in the morning, and not more than 14 miles from the sea mouth of the Murray.

On Saturday morning, the 23rd instant, we again moved off at an early hour; the wind being fresh and fair for the boats. I proceeded, as the day before, with the mounted party along the sea coast, and detached Capt Nixon, Mr. Bonney, and an orderly, to keep up the line of communication with Mr. Pullen; who was to notify by certain signals, whenever he saw any natives from the boats; for we had now got into the country of the hostile "big Murray tribe." About 12 o'clock, we discovered a number of natives along the coast, at a great distance a head, running from us. We instantly followed in pursuit; and at as rapid a rate as the heavy nature of the sand would admit of; but we rode hard upwards of two miles before we neared them, when they took to the high and heavy sand hills, that are in very many places covered with thick scrub. I, however, threw skirmishers out from the coast to the lake, and we thus kept those steadily in sight whom we first saw; and the result was, that by evening, and after very great fatigue and exertion—from the hilly, scrubby, and sanday nature of the country—we contrived, without injury to any, to capture 13 men, 2 lads, and about 50 women and children. Some of the natives took to the lake when closely followed, whom we rode in after and captured; and some of them were intercepted by Mr. Pullen's party. Upon the persons of almost every man and woman, and in almost every "whirley" we examined,—and they were numerous—we found various articles of European clothing—belonging to males and females, as well as children—and *many of them stained with blood*; an excellent silver watch also, and 4 tea and 1 silver salt spoons, with the initials I E Y on the five latter, were taken; all of which fully proved, that those in custody were participators in—if not actual perpetrators of—the late horrible murders.

The prisoners were carefully secured guarded and during the night, but the women and children I liberated; the latter however, remained near the men till the evening of the next day. From our last encampment, we must have travelled at least 25 miles; independent of the great distance caused by the long continued pursuit in so unfavourable a country; so that, when we rested for the night, most of our horses were quite knocked up.

On Monday morning, the 24th instant, the mounted party were on horseback an hour before daybreak, for the purpose of scouring the country a head of us along the narrows, and where Mr. Pullen in his former trip of enquiry, and who now accompanied me on horseback, saw a number of ferocious characters with European clothing on, and who were chiefly the murderers, according to the statement of the captured natives. These men I was therefore fully resolved on securing if we fell in with them, and to allow none a chance of escaping. We beat the country for a long way from the lake side to the sea shore, captured some women, and found a quantity of European clothing (male and female) in the whirleys and huts on the lake side; *several articles of which, especially a woman's shift, were covered with blood*—close to these whirleys we saw two natives swimming across the lake, we instantly rode down, and at the water's edge Mr. Pullen picked up a sailor's cap, which he at once recognised as that worn by one of the worst looking men he had seen in his former trip, and who was then with a party of natives pointed out by the friendly blacks that were with him, as the actual murderer Finding these fellows could not be followed, and had every chance of escaping if prompt measures were not resorted to, I now, for the first and only time, ordered those around me to fire, and though the distance was great, both the natives were wounded, and one severely, though they swam to an Island immediately opposite to us. Inspector Tolmer swam over after them, and found the two blacks wounded as I have described, but before a boat (which was sent on our return to camp) could reach the Island to bring them off, they had both got over to the north-eastern shore of the Coorong. There can scarce be a question but that these men formed part of the actual gang of murderers, for in their whirlies, or rather huts, close by, we found articles of clothig covered with blood; and at this locality the captured natives all declared that the principal murderers were to be found. At another spot in this neighbourhood, where there are several native huts together, we found newspapers, receipted bills, made out in the name of Captain Smith, the mail letters from Adelaide, open and torn, the leaves of a Bible and another book, with part of the log book of the "Brigantine *Maria*." this clearely proves that the crew and passengers of the above vessel are the unhappy sufferers, and were making their way to Adelaide when murdered. It appears strange, however, that they had no weapons of defence with them.

We returnd to camp by the forenoon, having swept the country in all directions for at least eight miles to the south east, and especially along the narrows. The captives, on our return, much alarmed at the situation they were placed in, pointed out one of their number as the murder of a whaler named "*Roach*", who came down here near two years ago with another sailor (also murdered) from Encounter Bay, to the wreck of the schooner "Fanny", that lies on the sea shore just opposite to where our present encampment is. The captives also pointed to the main land on the opposite side of the lake, and said that one of the murderers of the crew of the "Maria" was there, and could easily be taken; and two of them, at the suggestion of Mr. Bonney, volunteered to bring the man over, and to give him up to us. I sent "Encounter Bay Peter" with these men, and they returned at half past four o'clock in the evening, accompanied by the culprit, who was quite unconscious, till secured, of our being aware that he was one of the murderers. All our prisoners shouted with joy on seeing the man.

Having formally and deliberately investigated into every particular relative to the murders, in the presence of those of my own party who were off duty, the Encounter Bay blacks, and the prisoners, and finding that neither of the culprits denied, though they would not actually confess their guilt, I proceeded to pass sentence of death upon them, by virtue of the authority and instructions received from your Excellency, for the guilt of these men was fully and clearly established by the united testimony of all their tribe present, and my own opinion and conviction of their guilt was supported by the unanimous declaration of all the gentlemen around me, as well as of the Encounter Bay blacks.

Yesterday morning (Tuesday, the 25th instant) I proceeded with my entire party, (except a small guard left to protect the camp) the prisoners and murderers, back about fifteen miles, to the spot on the sea coast where our unfortunate countrymen lie buried, and where they were likewise murdered, and there, at two minutes past three o'clock, P. M., these two men were executed by hanging, immediately over the grave. They died almost instantly, and both evinced extreme nerve and courage to the last, especially the man who was given over to us by his tribe, and who had the most ferocious and demon like countenance I ever beheld. He was also a man of extraordinary strength and powerfully made.

After the execution, I released the prisoners, and notified that such was the way the whites punished those who committed murder; that the present punishment was a merciful one considering the numerous murders they committed. I likewise warned them not to touch the bodies, and told them ever to remember this day, and to bring their relatives and children to the spot, that they might all see how the white man punished those who murdered any of his tribe. I then allowed them to depart, and we got back to camp by dark, after a day of heavy rain and much atigue.

I have reason to think that the persons murdered on the spot alluded to above were Mr. and Mr. Denham, Strut, their servant, Mrs. York, and four or five of the Denham's children. They were killed in the day time, being overpowered in the most insidious and cowardly manner by a large number of blacks, and beaten to death by waddies. They were all unarmed, and the garments of those murdered (female as well as male) were chiefly stained with blood about the back of the collars. The murderer of Roach killed him when sitting down, by the blow of the waddy from behind, and Roach's companion was likewise killed in a similar way, and at the same time, by another black.

The country that we have travelled over, from the mouth to this, averages about a mile across—from the south east branch to the sea shore. It is composed of steep sandy hills and scrub, with light vegetation, at present, in some of the bottoms, and which the horses seem to relish. Water is abundant almost everywhere along the lake side, and can be easily had by digging a foot or two; but in some places it is brackish, and in others smells and tastes offensively.

All the European clothes, &c., taken from the Natives, with the torn letters and papers, are carefully preserved by me—with the hope, that they may be identified on our return to Adelaide, by some of the relatives or friends of the deceased.

I send your excellency the native names of a few of the localities: and the names, also, of the murderers But we have been otherwise too much employed, a yet, to attend much to such points:—

The place of execution is called—Pilgàru.
Native name of the big Murray tribe—Milmanrura.
Our present encampment—Tentie.
The Island opposite our encampment—Colmoro.
The Narrows—Panca.
The South-east branch of the lake—Coorong,
Sea mouth of the Murray—Etanduà.
The murderer of Roach—Moorcangua.
The murderer given over to us by his tribe—Mongarawata.

I have the honour to be your Excellency's
Most obedient, humble servant,
(Signed) T. O'HALLORAN.
Commissioner of Police.
To his Excellency Colonel Gawler, K. H.
Governor and Commander-in-Chief.

SECOND Report of MAJOR O'HALLORAN, Commissioner of Police, to HIS EXCELLENCY the GOVERNOR:—

Camp, 11 miles from the sea, mouth of the Murray, on the north-east bank of the Coorong,

4th September, 1840.

Sir,—My last report to your Excellency was closed and despatched on the 29th ultimo, by "Encounter Bay Peter," and I have now the honor to address you again in continuation.

On the morning of Thursday the 27th August I left the camp at Tentie under charge of Mr. Pullen, and proceeeded with the mounted party along the sea coast to the south east, in search of the wreck of the brig *Maria*, (each man taking a supply of six day's provisons with him,) detaching three men to sweep the country along the Lake side, and carefully examine all the Whirleys they fell in with. The day was cold and wet. At 3 p. m. nine natives were seen at a considerable distance crossing the Lake to an Island opposite. We examined two of their huts close by, which were full of European clothing; a good silver watch was likewise found, the dial and upper part being stained with blood. Finding it impossible to take any of the clothing with us, each horse having a heavy load to carry, I set fire to the huts and their contents, but the watch I have preserved. We travelled this day in heavy sand and rain about 20 miles.

On Friday the 28th August we again moved off at an early hour, and travelled along the coast till 12 o'clock, when Captain Nixon and Mr. Bonney, who had been detached along the Lake side, rode over to report that they had fallen in with Thompson and Walker and the rest of the party sent in a whale boat by Captain Hart from Encounter Bay, on Monday the 17th ultimo, in search of the wreck of the brig *Maria*. On joining these men I received the following account from Thompson, and which Capt. Nixon took down in his own words:

THOMPSON'S STATEMENT.

"On Tuesday morning, 18th August, we left the mouth of the Murray in a whale boat, two of us keeping the beach and two the boat. On Wednesday we hauled the boat up where we now are, which we estimate to be 100 miles from the mouth. We then divided our party, two kept the beach, and two the shorses of the Lake, so as to be of use to any party who might have been shipwrecked. On Sunday evening, an hour before sun down, we fell in with the long boat of the "*Maria of Hobart Town*," (Captain's name was not on the boat,) two oars and a mast, but no sail. We hauled the boat up to high water mark, and then walked on and fell in with part of the quarter deck and skylight, some of the panes of glass not broken; about six miles farther on towards Cape Jaffa, we fell in with the companion. We then walked on to Captain Wright's at Rivoli Bay, but met nothing in our walk except a broken table. We reached Captain Wright's on Monday evening about three o'clock. Tuesday about the middle of the day we left Captain Wright's on our return. Wednesday afternoon we found this key and seal (shewing them) fast to the stale room door, and part of the larboard quarter, the stern davit, and a quarter davit, one gilt star on the part of the stern that was broken. All her deck is on the beach broken, a cask of fresh water and several broken boxes. We think she must have been wrecked on Baudin's Reef. Our party consisted of myself, Walker, Fox, Sullock, two native men and two boys, one of each from Encounter Bay, the other two were met in at the wreck of the *Fanny*."

The information thus obtained from Thompson rendered it unnecessary for me to proceed farther; we therefore, after leaving some provisions with the whalers, who greatly needed auch supplies, crossed the Lake (here very shallow) to the N. E. side of the Coorong, and got back to our camp, which had been moved, to the side we were on, and opposite to Tentie, by Sunday the 30th of August, and where we had the honor of meeting your Excellency.

On Monday, the 31st August, and Tuesday, the 1st instant, we halted to recruit the men and horses, during which time we learnt from a native of the big Murray tribe called "Tom," and who was left at our camp by Thompson's party as they passed to Encounter Bay, that three males and one female belonging to the brig *Maria* had been waddied in the day time by some of the tribe not far from where we were encamped. These four had separted from Mr. Denham's party, at the "Narrows," and crossed to the N. E. shore of the Coorong, (the same side that we are now upon) along which, after proceeding for some distance they were murdered, being clasped round the bodies by some of the savages whilst others waddied them. "Tom" offered to shew us the spot where the murders were committed, and to point out the Whirleys of the murderers, and likewise to identify them if found. This account of "Tom's" perfectly coincided, both as to locality and the persons murdered, and murderers, with that previously given to us by the Encounter Bay blacks. The names of two of the murderers, who are brothers, are, Patterynaka and Poreilpeepol,—all the other names Tom had forgotten.

As these murderers were perfectly distinct from others, both as locality and the persons by whom they were committed, it was considered that the duty in which the force was engaged would dot be properly completed until this affair also was searched out as far as circumstances would admit of.

Accordingly, on the morning of Wednesday the 2nd instant, your Excellency was pleased to order Inspector Tolmer with half of the mounted men to scour the country inland, whilst I proceeded downwards with the other half along the shores of the Coorong, Mr. Pullen and the boats keeping abreast of us. Between 11 and 12 o'clock, my party discovered tho mangled remains of two Europeans, a male and a female. The hair of the former was light brown, and he must have been a tall and powerful man. The skulls of both were frightfully fractured, especially that of the female, whose lower jawhone was likewise broken. Three of the teeth of this jaw on the left side, and two on the right nearly in front were decayed, those of the upper jaw were perfect. The man had only lost one tooth, the left front one of the upper jaw. On questioning the native Tom whether he was aware before of these two having been murdered, he said, no, but that this place belonged to the murderer Mongarawata, whom we had hanged, and who had been given over to us by his tribe. We buried the dead carefully, examining in all directions for other bodies or graves, but could find none. The shoe of a very large man, however, and several books were discovered, (all of which are taken care of) in one of which the name "James Greenshields, 1839," is written in pencil.

On reaching the spot where the other four Europeans had been murdered, and which was about four miles further, none of their bodies could be found after a close and minute examination.

At 1 p. m. I relieved Inspector Tolmer's party with mine, and swept the shores of Lake Albert, so named by your Excellency after her Majesty's Royal Consort. It is a fine body of water to the South of Lake Alexandrian, and united to it by a narrow channel. After an active search along this lake (the Albert) and the inland country, till evening, I returned to camp unsuccessful, having seen only a few natives at a great distance from us, and who, long before we could near them, hid in the high and thick reeds that encircle Lake Albert in one continued belt along the entire of its shores as far as seen by us. The impression however, left on the natives' minds of our activity in thus sweeping their entire country will, I am persuaded, give them a high notion of our power and teach them to dread it for the future.

I am happy to state that these murderers—which appear to be seventeen in all (fifteen belonging to the *Maria*, and the two whalers, Roach and his companion, whose name I cannot ascertein till my return to town)—have been committed only by the "Milmenrura," or "Big Murray Tribe," who are notorious among all the natives generally for their brutal and ferocious character. The neighbouring tribes universally evince confidence in us, and abhorrence of the atrocities that have been lately committed.

The party having now been nearly three weeks in the field, actively employed at this very inclement season of the year, in a portion of the province so difficult and little known,—a severe example having been made, and a convincing exhibition given of our strength and determination to punish atrocious crimes,—the district also having been well examined for future operations, should they ever become necessary,—I have received your Excellency's orders to return with my party forthwith to head quarters.

I have the honor to be,
Your Excellency's most obedient
humble servant,
(Signed) T. O'HALLORAN,
Commissioner of Police.
To His Excellency Col. Gawler, K. H.
Governor and Commander-in-Chief.

EUROPEAN INTELLIGENCE.

We now return to another more important subject connected more immediately with the Irish Government, and we really think the subject demands some explanation on the part of either Lord EBRINGTON or Mr PIGOT. In an Irish print of last week the following paragraph occurs:—

"A correspondent of the *Evening packet*, last night state that Mr. Pigot made his public entry into Clonmel on Wednesday night, and had a retinue of about thirty persons, composed chiefly of clerks and shop-boys of the Radical traders—that he endeavoured to raise a crowd, but in vain, though he declared himself a candidate on *repeal principle*; he received a few cheers from one or two individuals, in which the mob did not join; there was also a Temperance band, which accompanied the procession, and displayedits powers most liberally for the Radical candidate, in open defiance of the proclamation of Lord Ebrington and of the boast of Father Matthew that the Temperance Societies were in no dege, *Political*.

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BY A. WILLARD.